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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,389	02/10/2004	Daniel Scott Venolia	4860P0539D4	3938

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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,389	<b>Applicant(s)</b> VENOLIA, DANIEL SCOTT	
	<b>Examiner</b> Jeffery A. Brier	<b>Art Unit</b> 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 26-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/28/2005 has been entered.

### ***Response to Amendment***

2. The amendment filed on 11/28/2005 has been entered. The objection to claims 31-35 and 70-75 has been overcome by the amendment to these claims. The amendments to the claims overcome several of the 35 USC 112 second paragraph issues. The remaining second paragraph issues are responded to below.

### ***Response to Arguments***

3. Applicant's arguments filed 11/28/2005 have been fully considered but they are not persuasive.

The argument concerning the new matter objection is sufficient to overcome the new matter objection.

The argument concerning the double patenting rejection is noted and since the conflicting claims have been cancelled in the copending application the double patenting rejection has been overcome.

The arguments and offer to file a terminal disclaimer concerning the obvious type double patenting rejection is noted and the rejection is maintained.

The arguments concerning the 35 USC 112 second paragraph rejection found in paragraph 3 on page 18 has been considered since applicant did not point to locations in the specification which discuss the alleged "in at least one embodiment" parameters are adjusted.

The arguments concerning the 101 non-statutory rejected based upon being abstract is maintained because the end result is abstract and the addition of "on a display device" in claims 26-40 and 64-81 still leaves these claims abstract.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 41-81 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 41-144 of copending Application No. 10/428,059. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of this application differ in scope from those of the copending application from broader to the same to more narrower. Comparing claim 43 of this application to claim 41 of copending application 10/428,059 and then claims 41 and 42 of this application to claim 41 of copending application 10/428,059 one sees that the claims of this application differ in scope from those of the copending application from broader to the same to more narrower. Thus, these claims are obvious an obvious variation of the same thing being patented in the copending application.

Broader versions of patented claims are an obvious way for applicant to claim the same thing patented. *In re Vogel*, 422 F.2d 438, 164 USPQ 619, 623 (CCPA 1970). Vogel stated on page 623 "*The answer to the second analysis question, therefore, is yes, and the claim is not allowable in the absence of a terminal disclaimer. The correctness of this conclusion is demonstrated by observing that claim 10, by reciting 'meat,' includes pork. It is further noted that viewing the inventions in reverse order, i.e. as though the broader claims issued first, does not reveal that the narrower (pork) process is in any way unobvious over the broader (meat) invention disclosed and*

*claimed in the instant application.*” Thus, this application’s broader claims are not unobvious over the above identified patented claims.

Thus, the minor variations between the pending claims and the patented claims is obvious type double patenting. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). On page 623 of *Vogel* the CCPA wrote:

[4] If it is determined that the same invention is being claimed twice, 35 U.S.C. 101 forbids the grant of the second patent, regardless of the presence or absence of a terminal disclaimer. If the same invention is not being claimed twice, a second question must be asked.

The second analysis question is: Does any claim in the application define merely an obvious variation of an invention disclosed and claimed in the patent? In considering the question, the patent disclosure may not be used as prior art. *In re Boylan*, supra; *In re Aldrich*, 55 CCPA 1431, 398 F.2d 855, 158 USPQ 311 (1968). This does not mean that the disclosure may not be used at all. As pointed out above, in certain instances it may be used as a dictionary to learn the meaning of terms in a claim. It may also be used as required to answer the second analysis question above. We recognize that it is most difficult, if not meaningless, to try to say what is or is not an obvious variation of a claim. A

[5] claim is a group of words defining only the boundary of the patent monopoly. It may not describe any physical thing and indeed may encompass physical things not yet dreamed of. How can it be obvious or not obvious to modify a legal boundary? The disclosure, however, sets forth at least one tangible embodiment within the claim, and it is less difficult and more meaningful to judge whether that thing has been modified in an obvious manner. It must be noted that this use of the disclosure is not in contravention of the cases forbidding its use as prior art, nor is it applying the patent as a reference under 35 U.S.C. 103, since only the disclosure of the invention claimed in the patent may be examined.

If the answer to the second question is no, there is no double patenting involved and no terminal disclaimer need be filed. If the answer is yes, a terminal disclaimer is required to prevent undue timewise extension of monopoly.

On page 623 last line to page 624 of Vogel the CCPA wrote:

Appealed claim 10, supra, will now be considered. It recites a process to be performed with "meat." "Meat" reads literally on pork. The only limitation appearing in claim 10 which is not disclosed in the available portion of the patent disclosure is the permeability range of the packaging material; but this is merely an obvious variation as shown by Ellies. The answer to the second analysis question, therefore, is yes, and the claim is not allowable in the absence of a terminal disclaimer. The correctness of this conclusion is demonstrated by observing that claim 10, by reciting "meat," includes pork. Its allowance for a full term would therefore extend the time of monopoly as to the pork process. It is further noted that viewing the inventions in reverse order, i.e. as though the broader claims issued first, does not reveal that the narrower (pork) process is in any way unobvious over the broader (meat) invention disclosed and claimed in the instant application. Emphasis added.

Thus, the slightly more narrower claims of this application are obvious over the slightly broader claims in copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 26-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 26-40 and 64-81:

When claims 26, 31, and 36 claim “adjusting a first parameter under control of a first user interface element” it is not clear what part of the graphical user interface is controlling the parameter. The only part of applicant’s specification that discusses interface elements is located on page 13 line 8. Page 13 lines 1-11 states:

In the preferred embodiment of the present invention, one parameter corresponds to a scale and the other parameter corresponds to an increment within the scale’s range. The mouse is used to allow a user to simultaneously adjust both the control of the time scale and the control for scanning at the selected time scale. This is accomplished by reassigning the axes of the mouse from moving the cursor to controlling the time scale and the selected value at that time scale. By depressing the mouse button while the cursor is positioned over certain interface elements, the mouse is disengaged from the cursor. Instead, vertical movement of the mouse adjusts the time scale and horizontal mouse movement adjusts the selected value at that time scale.

Thus, it is clear the originally filed specification discussed using the interface elements to disengage the mouse from the cursor, therefore, the claims do not clearly claim what part of the graphical user interface is controlling the parameter. Similarly when claims 64, 70, and 76 claim “adjusting a first parameter displayed by a first user interface element” and “adjusting a second parameter displayed by a second user interface



element” the claims do not clearly claim what part of the graphical user interface is controlling the parameter.

Claims 41-63:

Applicant failed to address this specific issue in the 11/28/2005 response.

Claims 41, 52, 56, 60, and 63 use the phrase “first control element of a graphical user interface” and “second control element of a graphical user interface”. The original specification did not use the term “control element”. Therefore, it is not clear what part of the graphical user interface is the “control element”.

### ***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 26-40 and 64-81 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. This application is directed to a useful, concrete, and tangible result, however, these claims are not. These claims are directed to manipulating abstract ideas. *State Street Bank & Trust Co. v. Signature Financial Group Inc.* (CA FC) 47 USPQ2d 1596, 1603 (7/23/1998). *AT&T Corp. v.*

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Excel Communications Inc. (CA FC) 50 USPQ2d 1447. On page 1603 first paragraph the CAFC wrote in State Street:

Under *Benson*, this may have been a sufficient indicium of nonstatutory subject matter. However, after *Diehr* and *Alappat*, the mere fact that a claimed invention involves inputting numbers, calculating numbers, outputting numbers, and storing numbers, in and of itself, would not render it nonstatutory subject matter, unless, of course, its operation does not produce a "useful, concrete and tangible result." *Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557. 7

On page 1603 paragraph labeled [4] the CAFC wrote:

[4] The question of whether a claim encompasses statutory subject matter should not focus on which of the four categories of subject matter a claim is directed to -- process, machine, manufacture, or composition of matter--but rather on the essential characteristics of the subject matter, in particular, its practical utility. Section 101 specifies that statutory subject matter must also satisfy the other "conditions and requirements" of Title 35, including novelty, nonobviousness, and adequacy of disclosure and notice. See *In re Warmerdam*, 33 F.3d 1354, 1359, 31 USPQ2d 1754, 1757-58 (Fed. Cir. 1994).

9. Claim 26-40 and 64-81 claim adjusting a parameter. This is an abstract non-tangible process. The specification does not limit the claimed term "parameter" to a tangible entity. A method to implement a graphical user interface is also an abstract process (claims 26, 31, 64, and 70). The claimed input device does not give the claim a practical utility. The claimed cursor is an abstract computer entity. The claims do not clearly claim what part of the graphical user interface is controlling the parameter

making this part of the claim abstract. These claims as a whole do not produce a "useful, concrete and tangible result." *Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557.

Claims 65-67, 71-73, and 77-79 claim "when a cursor of the graphical user interface is in the first region" and also claims "when the cursor of the graphical user interface is in the second region". This does not claim the cursor is displayed to the user, thus, the claimed cursor is an abstract computer entity.

#### Claims 41-63:

A prior art rejection cannot be made on claims 41-63 because the metes and bounds of the claims are not definite and because the specification does not clarify these claims. Thus, an indication of allowability would be premature. In *re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 26-40, 64-66, 68-72, 74-78, 80, and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Gest et al., US Patent No. 4,896,291. These claims are broad claims and are met by the Gest reference. A detailed analysis of the claims follows.

Claim 26:

Gest teaches a method to implement a graphical user interface (*See figures 1, 3, and 7.*), the method comprising:

receiving a first input which indicates a movement of an input device in a first degree of freedom of the input device while a cursor of the graphical user interface is outside a first region on a display device (*With reference to figure 3 Gest shows the cursor being moved over a large graphical user interface. In figures 7A-7C Gest clearly illustrates the pop up menu and the interaction of the user with the menu. The menu is considered to be the first region and the rest of the graphical user interface is outside the menu. As the user moves the cursor 18 over the whole graphical user interface the produces first input.*); and

adjusting a first parameter under control of a first user interface element of the graphical user interface according to the first input, the first user interface element being located within the first region (*When the cursor is located in 71 for example of figure 7a the first input will control the value show in valuator value 20 region which controls a parameter.*).

Claim 27:

Gest teaches a method as in claim 26, wherein the first user interface element is controllable by a movement of the input device when the cursor of the graphical user interface is within the first region (*When the cursor is within 71 for example the parameter associated with 71 is controlled by movement of the input device.*).

Claim 28:

Gest teaches a method as in claim 26, further comprising:  
receiving a second input which indicates a movement of the input device in a second degree of freedom of the input device (*When the user move the mouse downwards the cursor moves to 72 as shown in figure 7B.*); and  
adjusting a second parameter under control of a second user interface element of the graphical user interface according to the second input, the second user interface element being located within a second region, the second region being outside the first region (*The second parameter is considered to be the months 71-82, Jan to Dec.*).

Claim 29:

Gest teaches a method as in claim 28, wherein the first user interface element is controllable by a movement of the input device when the cursor of the

graphical user interface is within the first region (*The days of the month for Jan are controlled by movement of the mouse when the cursor is within the Jan portion of the menu.*); and, wherein the second user interface element is controllable by a movement of the input device when the cursor of the graphical user interface is within the second region (*The days of the month for Feb are controlled by movement of the mouse when the cursor is within the Feb portion of the menu.*).

Claim 30:

Gest teaches a method as in claim 29, wherein the first user interface element comprises a slider (*With reference to figure 7A-7C the movement of the cursor left or right is considered to be a slider since the figures illustrate cursor 18 as if it were a slider and also because the claimed term slider is broadly claimed.*) and the second user interface element comprises a timeline (*The vertical direction is considered to be a timeline due to the increment of the months of the year.*).

Claims 31-35:

These claims are machine readable medium claim versions of method claims 26-30 and these claims 31-35 are rejected for the same reasons given for claims 26-30 and additionally the application discussed at column 3 lines 33-44 is inherently present in a computer readable medium.

Claims 36-40:

These claims are means plus function claim versions of method claims 26-30 and these claims 36-35 are rejected for the same reasons given for claims 26-30 and additionally the means of this application is a program and computer and the means in Gest is a computer and program.

Claim 64:

Gest teaches a method to implement a graphical user interface, the method comprising:

receiving a first input which indicates a first movement of an input device, the first input comprising:

a first component which indicates a component of the first movement according to a first degree of freedom of the input device (*Vertical movement in figures 7A-7C is controlled by a first degree of freedom of the mouse.*), and

a second component which indicates a component of the first movement according to a second degree of freedom of the input device (*Horizontal movement in figures 7A-7C is controlled by a second degree of freedom of the mouse.*);

adjusting a first parameter displayed by a first user interface element of the graphical user interface on a display device according to the first component (*Vertical movement takes the cursor from Jan to Dec.*), the first user interface element being located in a first region in the graphical user interface (*The menu is in a first region of the graphical user interface element. Also the "first region" is not claimed to be a*

*displayed first region, thus, the portion of the processes forming the graphical user interface that adjusts the first parameter, note column 8 lines 15-25, is a first region of the graphical user interface.); and*

*adjusting a second parameter displayed by a second user interface element of the graphical user interface on the display device according to the second component (Horizontal movement takes the cursor from day one to the last day of the month.) the second user interface element being located in a second region in the graphical user interface (The number corresponding to the day is located in a second region in the graphical user interface element at valuator value 20. Alternatively the first and second regions could be from the broad claim language overlapping (see claim 66), thus, selecting a month and then moving the cursor left or right meets the claim. Alternatively the degree to which the first region covers the second region is not claimed (see claim 66), thus, since it appears from figures 7A-7C the cursor is located towards the bottom of Jan when moved left or right, then figures 7A-7C meets the claim. Additionally the top half of for example Jan is a first region and the top half of Jan is a second region not overlapping the first region. Also the "second region" is not claimed to be a displayed second region, thus, the portion of the processes forming the graphical user interface that adjusts the second parameter, note column 8 lines 26-34, is a second region of the graphical user interface.).*



Claim 65:

Gest teaches a method as in claim 64, wherein the first user interface element is controllable by the input device when a cursor of the graphical user interface is in the first region (*When the mouse moves the cursor into the menu area a month may be selected. Also the interpretation that a region is a portion of the processes forming the graphical user interface applies here also.*); and, the second user interface element is controllable by the input device when the cursor of the graphical user interface is in the second region (*When the mouse moves the cursor within a month the day is selected. Also see the analysis of second region given in claim 64. Also the interpretation that a region is a portion of the processes forming the graphical user interface applies here also.*).

Claim 66:

Gest teaches a method as in claim 65, wherein the first (*The top half of for example Jan is a first region. Also the interpretation that a region is a portion of the processes forming the graphical user interface applies here also.*) and second (*The bottom half of for example Jan is a first region. Also the interpretation that a region is a portion of the processes forming the graphical user interface applies here also.*) regions are not overlapping with each other (*Clearly lines 15-25 do not overlap lines 26-34 of the program at column 8.*).

Claim 68:

Gest teaches a method as in claim 64, wherein the first and second parameters are independent from each other (*The months Jan to Dec may be considered to be independent of each other because the vertical location of the cursor determines the month and the horizontal location of the cursor determines the day.*).

Claim 69:

Gest teaches a method as in claim 64, further comprising:  
determining a dominant one of the first component and the second component (*Inherently one axis is dominant since the month is selected before the day is selected. Thus, the vertical axis was determined to be the dominant axis.*);  
wherein only one of the first and second parameters is adjusted according to the dominant one of the first component and the second component (*In Gest the vertical movement of the mouse controls the selection of the month, figures 7A-7C, and the horizontal movement of the mouse controls the selection of the day, figures 7A-7C. Thus only one component controls one of the two parameters. Inherently the dominant axis is the vertical axis since the month is selected before the day is selected.*).

Claims 70-72, 74, and 75:

These claims are machine readable medium claim versions of method claims 64-66, 68, and 69 and these claims 70-72, 74, and 75 are rejected for the same reasons

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given for claims 64-66, 68, and 69 and additionally the application discussed at column 3 lines 33-44 is inherently present in a computer readable medium.

Claims 76-78, 80, and 81:

These claims are means plus function claim versions of method claims 64-66, 68, and 69 and these claims 76-78, 80, and 81 are rejected for the same reasons given for claims 64-66, 68, and 69 and additionally the means of this application is a program and computer and the means in Gest is a computer and program.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 67, 73, and 79 rejected under 35 U.S.C. 103(a) as being unpatentable over Gest et al., US Patent No. 4,896,291.

Claim 67:

Gest teaches a method as in claim 66, wherein the cursor is not displayed when the first parameter is adjusted according to the first component and the second parameter is adjusted according to the second component. At column 8 lines 35-38 the first and

second parameters are adjusted when the right mouse button is released within the menu, thus, the display of the cursor is not used when the first and second parameters are adjusted in the application since the adjusted occurs after the mouse button is released, thus, the display of the cursor at this time is not necessary and need not be displayed while the application adjusts the first and second parameters. Therefore the application does not display the cursor when the first and second parameters are adjusted by the application, the operating system may continue to display but the application is not. Thus, it would have been obvious to one of ordinary skill in the art to not to display the cursor when the application is adjusting the first and second parameters because the user is finished inputting the adjustments to the first and second parameters.

Claim 73:

This claim is a machine readable medium claim version of method claim 67 and this claim 73 is rejected for the same reasons given for claim 67 and additionally the application discussed at column 3 lines 33-44 is inherently present in a computer readable medium.

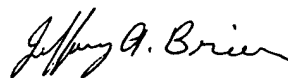
Claim 79:

This claim is a means plus function claim version of method claim 67 and this claim 79 is rejected for the same reasons given for claim 67 and additionally the means

of this application is a program and computer and the means in Gest is a computer and program.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier  
Primary Examiner  
Art Unit 2672